

ESTTA Tracking number: **ESTTA635368**

Filing date: **10/27/2014**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Spiracur Inc.
Granted to Date of previous extension	10/26/2014
Address	1180 Bordeaux Drive Sunnyvale, CA 94089 UNITED STATES

Attorney information	Charlene M. Krogh Dorsey & Whitney LLP 1400 Wewatta Street; Suite 400 Denver, CO 80202-5549 UNITED STATES reichel.nicole@dorsey.com, docketing-dv@dorsey.com, krogh.charlene@dorsey.com Phone:303-629-3400
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Applicant Information

Application No	85921995	Publication date	04/29/2014
Opposition Filing Date	10/27/2014	Opposition Period Ends	10/26/2014
Applicant	Asante Solutions, Inc. 352 East Java Drive Sunnyvale, CA 94089 UNITED STATES		

Goods/Services Affected by Opposition


Class 010. First Use: 2013/04/03 First Use In Commerce: 2013/04/03 All goods and services in the class are opposed, namely: Drug delivery pump


Grounds for Opposition

Deceptiveness	Trademark Act section 2(a)
False suggestion of a connection	Trademark Act section 2(a)
Priority and likelihood of confusion	Trademark Act section 2(d)


Marks Cited by Opposer as Basis for Opposition

U.S. Registration No.	3812065	Application Date	07/13/2009
Registration Date	06/29/2010	Foreign Priority Date	NONE
Word Mark	SNAP		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2009/09/25 First Use In Commerce: 2009/12/17 Medical devices, namely, wound treatment apparatus and instruments

U.S. Registration No.	4003768	Application Date	07/07/2010
Registration Date	07/26/2011	Foreign Priority Date	NONE
Word Mark	SNAP		
Design Mark			
Description of Mark	The mark consists of the word "SNP" with a triangle design appearing between the "N" and "P", meant to represent the letter "A".		
Goods/Services	Class 010. First use: First Use: 2010/08/13 First Use In Commerce: 2010/08/13 Medical devices, namely, wound treatment apparatus and instruments; wound therapy system comprised of wound treatment apparatus, wound dressings, valves, tubes and straps with holsters; accessory for wound treatment apparatus, namely, strap and holster used to secure apparatus to patient		

U.S. Registration No.	4199890	Application Date	08/03/2011
Registration Date	08/28/2012	Foreign Priority Date	NONE
Word Mark	CISNAP		

Design Mark	
Description of Mark	NONE
Goods/Services	Class 010. First use: First Use: 2011/10/19 First Use In Commerce: 2012/02/24 Medical devices, namely, wound treatment apparatus and instruments and surgical and post-surgical incision care apparatus and instruments; wound and surgical incision care and therapy systems comprised primarily of wound and incision care treatment apparatus, wound dressings, valves, tubes, straps, fluid removal conduits, pressure delivery conduits, incision approximation supports and incision tension relief supports; accessory for wound treatment apparatus, namely, strap and clip used to secure apparatus to patient

Attachments	77779855#TMSN.png(bytes) 85079749#TMSN.png(bytes) 85389024#TMSN.png(bytes) Notice of Opposition.pdf(124025 bytes)
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Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/cmk2112/
Name	Charlene M. Krogh
Date	10/27/2014

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD**

In the matter of U.S. Trademark Application Serial No. 85/921,995
Mark: ASANTE SNAP
Published on April 29, 2014

Spiracur Inc.)	
)	
Opposer,)	
)	
v.)	Opposition No.
)	
Asante Solutions, Inc.)	
)	
Applicant.)	

NOTICE OF OPPOSITION

Spiracur Inc., a corporation organized and existing under the laws of Delaware, having a principal place of business at 1180 Bordeaux Drive, Sunnyvale, CA 94089 ("Opposer"), believes it will be damaged by the registration of the mark ASANTE SNAP shown in Application Serial No. 85/921,995 ("Application"), filed by Asante Solutions, Inc. ("Applicant") on May 2, 2013, and having been granted an extension of time to oppose until October 27, 2014, hereby opposes the Application.

As grounds of opposition, Opposer alleges the following:

1. Opposer Spiracur Inc. develops, manufactures and sells innovative wound healing technologies and devices. Several of these healthcare devices are sold under the trademark SNAP.
2. Opposer has used its SNAP trademark in the United States in connection with its wound treatment technologies and devices since at least as early as 2009. In addition, Opposer owns several United States trademark registrations for the mark SNAP (and variations), including United States Trademark Registrations 3812065, 4003768 and 4199890 (the "SNAP marks").

3. As a result of extensive use, promotion and advertisement, the consuming public and trade have come to recognize and do recognize the SNAP marks as being uniquely identified and associated with Opposer. Opposer derives substantial goodwill and value from the aforesaid recognition, association and identification by the consuming public and trade.

4. Applicant filed U.S. Trademark Application Serial No. 85/921,995, the subject of this opposition, on May 2, 2013, for the mark ASANTE SNAP for use in connection with "Drug delivery pump."

5. On information and belief, the healthcare-related goods identified in the subject application are complementary and/or highly related and very similar to the healthcare-related goods offered by Opposer in connection with its SNAP marks.

6. On information and belief, the goods identified in the subject application will be offered in identical or similar channels of trade and offered to identical or similar class of purchasers as those goods offered by Opposer in connection with its SNAP marks.

7. Applicant's ASANTE SNAP mark is highly similar to Opposer's SNAP marks and is likely, when used in connection with the goods covered by the subject application, to cause confusion, to cause mistake or to deceive, with consequent injury to Opposer and the public.

8. Specifically, and without limitation, the marketing and offering of Applicant's aforementioned goods under the ASANTE SNAP mark is likely to cause consumers to believe that Applicant's goods are those of Opposer, or that Applicant's goods are connected with the products of Opposer, or that Applicant is somehow related, sponsored or endorsed by Opposer. Accordingly, Applicant's mark is not entitled to registration pursuant to 15 U.S.C. §1052(d). Further, Applicant's mark falsely suggests a connection with Opposer in violation of 15 U.S.C. §1052(a).

9. Opposer will be damaged by the registration sought by Applicant because such registration will support and assist Applicant in the confusing and misleading use of Applicant's

mark sought to be registered, and will give color of exclusive statutory rights to Applicant in violation of Section 2(d) of the Lanham Act, 15 U.S.C. § 1052(d).

WHEREFORE, Opposer prays that this Notice of Opposition be sustained and that the registration sought by Applicant be denied.

ATTORNEYS FOR OPPOSER

Please recognize as attorneys for Opposer in this proceeding Charlene M. Krogh and Lee F. Johnston of Dorsey & Whitney, LLP, 1400 Wewatta Street, Suite 400, Denver, Colorado 80202-5549. Please address all communications regarding this opposition proceeding to above attorneys.

Dated: October 27, 2014.

Respectfully submitted,

DORSEY & WHITNEY LLP

By: 


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ATTORNEYS FOR OPPOSER SPIRACUR INC.

CERTIFICATE OF SERVICE

I hereby certify that a true and complete copy of the foregoing **Notice of Opposition** is being served upon Applicant Asante Solutions, Inc. by mailing said copy on October 27, 2014, via first-class mail, postage prepaid, addressed to:

Stephanie S. Brannen, Esq.
Wilson Sonsini Goodrich & Rosati
650 Page Mill Rd
Palo Alto, California 94304-1050


Cindy K. Wildin